D.B. CIVIL SPECIAL APPEAL NO. 25/2007
M/s Ravi Udhyog Pvt. Ltd. and Anr.
vs.
Lalit Singhvi

DATE OF ORDER :: 21.3.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. J.K. Bhaiya, for the appellants.

Having heard learned counsel for the appellants, we do not find any merit in this appeal.

The appellants have suffered a money decree in a suit filed by the respondent for recovery of the price of the goods supplied to the appellants. After contest, the suit was decreed by the learned trial Judge, which was subjected to first appeal. While the appeal has been admitted, no interim relief has been granted against the execution of decree under appeal.

Ordinarily, money decrees are not stayed unless exceptional hardship on merit is made out. The case is not out of such a nature. Moreover, the appellants have already availed the remedy provided under Order 21 and approached the Court before the decree is executed. The rights are otherwise protected by provisions relating to restitution inbuilt in the execution proceedings.

The appeal is, therefore, dismissed.

(BHANWAROO KHAN),J. (RAJESH BALIA),J.

Rm/-